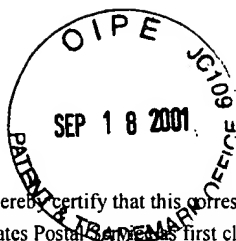


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Assistant Commissioner for Patents
Washington, D.C. 20231

On 10 Sept - 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Dagit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHELINE MARKEY et al.

Application No.: 09/432,881

Filed: November 2, 1999

For: PHARMACOLOGICAL
PROLONGATION OF THE FED
MODE FOR ENHANCED DRUG
ADMINISTRATION

Examiner: Webman, E.

Art Unit: 1617

SUPPLEMENTAL ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Supplemental Election is submitted in response to the Communication mailed on August 14, 2001, in connection with the above patent application, and the telephone conference between Applicants' attorney and the examiner on September 6, 2001 initiated by Applicants' attorney for purposes of clarifying the Communication.

The August 14 communication requires two elections in addition to those made in Applicants' paper entitled "ELECTION" mailed on May 23, 2001. These two additional elections are as follows:

(1) The first is an election of the location of the fed mode inducing agent vis-à-vis the drug. Applicants hereby elect those species in which the fed mode inducing agent is incorporated into the same matrix in which the drug is incorporated. Claims reading on this species are claims 1, 2, 5-46, 48-51, and 56-99.

(2) The second is an election of the nature of the dosage form in terms of whether it is large enough prior to ingestion to promote gastric retention or swells after ingestion to a size large enough to promote gastric retention. Applicants hereby elect those species in which the dosage form swells after ingestion to a size large enough to promote gastric retention. Claims reading on this species are claims 1-4 and 6-99.

Combining these elections with the elections made by Applicants in their paper of May 23, 2001 (the composition claims of Group I and sodium docusate as the fed mode inducing agent), the claims of Group I that read on all three elections are claims 1, 2, 6, 14-18, 48-51, and 97-99.

Respectfully submitted,



M. Henry Heines
Reg. No. 28,219

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
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PTO/SB/21 (08-00)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	09/432,881
Filing Date	November 2, 1999
First Named Inventor	Markey, Micheline
Group Art Unit	1617
Examiner Name	Webman, E.
Attorney Docket Number	015662000900

Total Number of Pages in This Submission

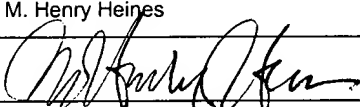
ENCLOSURES (check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment / Response – “Supplemental Election”
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
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<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP M. Henry Heines	Reg No. 28,219
Signature		
Date	September 10, 2001	

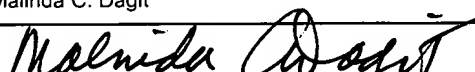
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